



General Assembly

January Session, 2007

***Raised Bill No. 1210***

LCO No. 4237

\*04237\_\_\_\_ENV\*

Referred to Committee on Environment

Introduced by:  
(ENV)

***AN ACT CONCERNING THE MAKING OF TIMELY DECISIONS ON  
INLAND WETLAND AND WATERCOURSES PERMIT APPLICATIONS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (c) of section 22a-42a of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2007*):

4 (c) (1) On and after the effective date of the municipal regulations  
5 promulgated pursuant to subsection (b) of this section, no regulated  
6 activity shall be conducted upon any inland wetland or watercourse  
7 without a permit. Any person proposing to conduct or cause to be  
8 conducted a regulated activity upon an inland wetland or watercourse  
9 shall file an application with the inland wetlands agency of the town or  
10 towns wherein the wetland or watercourse in question is located. The  
11 application shall be in such form and contain such information as the  
12 inland wetlands agency may prescribe. The date of receipt of an  
13 application shall be determined in accordance with the provisions of  
14 subsection (c) of section 8-7d. The inland wetlands agency shall not  
15 hold a public hearing on such application unless the inland wetlands  
16 agency determines that the proposed activity may have a significant

17 impact on wetlands or watercourses, a petition signed by at least  
18 twenty-five persons who are eighteen years of age or older and who  
19 reside in the municipality in which the regulated activity is proposed,  
20 requesting a hearing is filed with the agency not later than fourteen  
21 days after the date of receipt of such application, or the agency finds  
22 that a public hearing regarding such application would be in the  
23 public interest. An inland wetlands agency may issue a permit without  
24 a public hearing provided no petition provided for in this subsection is  
25 filed with the agency on or before the fourteenth day after the date of  
26 receipt of the application. Such hearing shall be held in accordance  
27 with the provisions of section 8-7d. [If the inland wetlands agency, or  
28 its agent, fails to act on any application within thirty-five days after the  
29 completion of a public hearing or in the absence of a public hearing  
30 within sixty-five days from the date of receipt of the application, or  
31 within any extension of any such period as provided in section 8-7d,  
32 the applicant may file such application with the Commissioner of  
33 Environmental Protection who shall review and act on such  
34 application in accordance with this section. Any costs incurred by the  
35 commissioner in reviewing such application for such inland wetlands  
36 agency shall be paid by the municipality that established or authorized  
37 the agency. Any fees that would have been paid to such municipality if  
38 such application had not been filed with the commissioner shall be  
39 paid to the state.] The failure of the inland wetlands agency [or the  
40 commissioner] to act within any time period specified in this  
41 subsection, or any extension thereof, shall not be deemed to constitute  
42 approval of the application.

43 (2) An inland wetlands agency may delegate to its duly authorized  
44 agent the authority to approve or extend an activity that is not located  
45 in a wetland or watercourse when such agent finds that the conduct of  
46 such activity would result in no greater than a minimal impact on any  
47 wetland or watercourse provided such agent has completed the  
48 comprehensive training program developed by the commissioner  
49 pursuant to section 22a-39. Notwithstanding the provisions for receipt  
50 and processing applications prescribed in subdivision (1) of this

51 subsection, such agent may approve or extend such an activity at any  
52 time. Any person receiving such approval from such agent shall,  
53 within ten days of the date of such approval, publish, at the applicant's  
54 expense, notice of the approval in a newspaper having a general  
55 circulation in the town wherein the activity is located or will have an  
56 effect. Any person may appeal such decision of such agent to the  
57 inland wetlands agency within fifteen days after the publication date  
58 of the notice and the inland wetlands agency shall consider such  
59 appeal at its next regularly scheduled meeting provided such meeting  
60 is no earlier than three business days after receipt by such agency or its  
61 agent of such appeal. The inland wetlands agency shall, at its  
62 discretion, sustain, alter or reject the decision of its agent or require an  
63 application for a permit in accordance with subdivision (1) of  
64 subsection (c) of this section.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	October 1, 2007	22a-42a(c)
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***Statement of Purpose:***

To encourage municipalities to make timely permit decisions regarding applications for regulated activities upon inland wetlands and watercourses by allowing an applicant to file a writ of mandamus in Superior Court.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*